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*Attorneys for VIA VALENCIA/VIA VENTURA HOMEOWNER ASSOCIATION*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,

Plaintiff,

v.

VIA VALENCIA/VIA VENTURA  
HOMEOWNERS ASSOCIATION;  
SATICOY BAY LLC-SERIES 9732  
MOUNT CUPERTINO; ABSOLUTE  
COLLECTION SERVICES, LLC,

Defendants.

SATICOY BAY LLC SERIES 9732  
MOUNT CUPERTINO,

Counter-Claimant,

v.

BANK OFAMERICA, N.A.,

Counter-Defendant

CASE NO.: 2:16-cv-00274-APG-PAL

**STIPULATION AND ORDER TO STAY  
DISCOVERY PENDING OUTCOME OF  
SETTLEMENT**

**(First Request)**

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**STIPULATION AND ORDER TO STAY DISCOVERY PENDING OUTCOME OF  
SETTLEMENT  
(First Request)**

Pursuant to LR IA 6-1, the parties, through their respective counsel, hereby stipulate and agree, subject to approval of the court, to stay discovery pending the outcome of Settlement Conference and/or settlement discussions between Plaintiff Bank of America, N.A. ("BANA"), and Defendant Saticoy Bay LLC-Series 9732 Mount Cupertino ("Saticoy"). This is the first request for stay of discovery.

**A. Statement of Relevant Procedural History**

On April 7, 2016, the Court entered an Order [ECF No. 23] on Stipulated Discovery Plan and Scheduling Order submitted in accordance with LR 6-1(e) that was in effect at the time of the submission. Pursuant to the Order, discovery will close on August 31, 2016. The deadline to disclose initial experts is July 1, 2016, sixty days before the discovery cut-off date. Disclosures of rebuttal experts is to be made by August 1, 2016, thirty days after the initial disclosure of experts. In addition to exchanging witnesses and documents as required by FRCP 26, the parties have participated in written discovery and have scheduled depositions of Rule 30(b)(6) witnesses to take place in July 2016.

On May 31, 2016, Saticoy filed a Motion for Request for Settlement Conference Pursuant to LR-16-5 [ECF No. 32], requesting that the Court schedule a settlement conference between BANA and Saticoy. The two parties have been engaging in settlement discussion pending the result of Saticoy's Motion [ECF No. 32]. The outcome of the settlement discussions will have an impact on the need for continued discovery in this matter. Also, the parties jointly stipulate that a formal Settlement Conference as requested in Saticoy's Motion [ECF No. 32] be granted that the Settlement Conference be held before they are required to complete further discovery. The Parties anticipate a successful settlement would reduce the scope and amount of necessary discovery, and believe that proceeding with discovery now may be futile should a settlement be reached between BANA and Saticoy.

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**B. Discovery Completed.**

The parties have exchanged witnesses and documents as required under FRCP 26, and have also completed the following discovery:

1. Plaintiff Bank of America, N.A. ("BANA"), served interrogatories, requests for admissions, and requests for production of documents to Saticoy Bay LLC-Series 9732 Mount Cupertino ("Saticoy").

2. BANA served interrogatories, requests for admissions, and requests for production of documents to Absolute Collection Services, LLC ("ACS"). ACS has served its responses.

3. BANA served interrogatories, requests for admissions, and requests for production of documents to Via Valencia/Via Ventura Homeowners Association ("HOA").

**C. Remaining Discovery to be Completed.**

1. HOA's responses to BANA's interrogatories, requests for admissions, and requests for production of documents;

2. Saticoy's responses to BANA's interrogatories, requests for admissions, and requests for production of documents;

3. Interrogatories, requests for admissions, and requests for production of documents to be served by HOA on BANA and/or Saticoy.

4. Designation of initial experts;

5. Designation of rebuttal experts;

6. Depositions of expert witnesses disclosed by the parties;

7. Depositions of FRCP 30(b)(6) Witnesses for the as follows:

a. FRCP 30(b)(6) Witness(es) of Saticoy Bay, presently scheduled for July 7, 2016;

b. FRCP 30(b)(6) Witness(es) of ACS, presently scheduled for July 7, 2016;

c. FRCP 30(b)(6) Witness(es) of ACS, presently scheduled for

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July 7, 2016; and

8. Depositions of percipient witnesses disclosed by the parties.

Based on the foregoing, it is hereby:

STIPULATED AND AGREED that discovery in this matter be stayed while BANA and Saticoy participate in good faith in a Settlement Conference and/or continued settlement discussion; and

IT IS FURTHER STIPULATED AND AGREED that the parties will, within twenty (20) days after the Settlement Conference or successful settlement, meet and confer and submit a stipulation and order setting forth an updated discovery schedule and request for discovery plan and scheduling order.

The undersigned attorneys affirm they have in good faith discussed possible settlement of the action.

DATED this 24<sup>th</sup> day of June, 2016.

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 & GARIN, P.C.

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*/s/ H. Sunny Jeong*

*/s/ Miles Clark*

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BANK OF AMERICA, N.A., v. VIA VALENCIA/VIA  
VENTURA HOMEOWNERS ASSOCIATION, ET AL.  
CASE NO.: 2:16-cv-00274-APG-PAL

**ORDER**

Based on the foregoing stipulation of the parties,

IT IS SO ORDERED.

DATED this 1st day of July, 2016.

  
UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by:

LIPSON, NEILSON, COLE, SELTZER  
& GARIN, P.C.

/s/ H. Sunny Jeong

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